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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

REPLY BRIEF FOR THE APPELLANT

Ex parte MUHONEN

LOCATION SERVICES FOR MOBILE COMMUNICATION SERVICES

Serial No. 10/522,951

Appeal No.:

Group Art Unit: 2617

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Encls: Reply Brief



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re the Appellant:

Janne MUHONEN

Appeal No.:

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Filed: March 7, 2005

Examiner: Shannon Brooks

For: LOCATION SERVICES FOR MOBILE COMMUNICATION SERVICES

REPLY BRIEF

October 6, 2008

I. INTRODUCTION

This Reply Brief is filed in response to the Examiner's Answer dated August 6, 2008. In that Examiner's Answer, while no new grounds of rejection are made, comments and explanations are provided which are tantamount to new points of argument. This Reply Brief, therefore, is submitted to address these new points of argument, and to clarify why claims 29-67 should be considered patentable over Hanson (U.S. Patent No. 6,023,624) in view of Kallin (U.S. Patent No. 6,058,308), and, therefore, should be found by this Honorable Board of Patent Appeals and Interferences to be allowable.

This Reply Brief addresses a few of the deficiencies of the Examiner's Answer. Appellant's Appeal Brief, however, is maintained, and failure to repeat the arguments contained therein, or to address one or more argument set forth in the Examiner's Answer should not be construed as waiver or an admission. The Appeal Brief speaks for itself, and this Reply Brief merely supplements the Appeal Brief to address certain

aspects of the Examiner's Answer.

II. STATUS OF CLAIMS

Claims 29-67, all of the claims pending in the present application, stand rejected and are the subject of this appeal. Claims 29-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanson (U.S. Patent No. 6,023,624) in view of Kallin (U.S. Patent No. 6,058,308).

III. APPELLANT'S ARGUMENTS

Appellants respectfully submit that each of pending claims 29-67 recite subject matter which is neither disclosed nor suggested by Hanson and Kallin, whether viewed individually or in combination. As discussed in Appellant's Appeal Brief, the combination of Hanson and Kallin does not disclose or suggest "comparing the time to a threshold time limit; and in response to the comparing, providing, as the current location, the last known location if the time is within the threshold time limit," as recited in claim 29, and the similar limitations recited in claims 41 and 42. Similarly, the combination of Hanson and Kallin fails to disclose or suggest "a network element configured to determine a time at which a last known location of the mobile station was determined and to compare the time to a threshold time limit; and a network element configured to provide, as the current location, in response to the comparing, the last known location if the time is within the threshold time limit," as recited in claim 53, and "a comparing unit configured to compare the time to a threshold time limit; and a providing unit configured to provide, as the current location, in response to the comparing, the last known location if the time is within the

threshold time limit,” as recited in claim 57.

The Examiner's answer appears to continue to assert that the above-stated limitations are disclosed by Hanson (see Examiner's Answer, pages 13-15). In particular, the Examiner's Answer states that “Hanson discusses that when a phone call comes in for a mobile, the system checks the last known location and the report time for the location and checks a timer to see if the elapse time since the location report is above a threshold. If the timer is not above a threshold the system uses that location as the last location and paging the mobile in that location area” (Examiner's Answer, pages 13-14). Appellants submit that it is unclear which portions of Hanson the Examiner believes discloses providing, in response to the comparing, the last known location as the current location, if the time is within the threshold time limit, as recited in the present claims. Appellants respectfully submit that Hanson in fact does not disclose at least this limitation of the claims.

Rather, as discussed in the Appeal Brief, Hanson is only directed to determining the size of a paging area. According to Hanson, if the current time minus the most recent registration time is greater than a fourth threshold time value, then flood paging of all MSCs is carried out. If the current time minus the most recent registration time is greater than the third threshold time value then the page is directed to the MSC. If the current time minus the most recent registration time is greater than the second threshold time value, then either the sub-MSC registration zone is paged or the page is directed to the MSC. Finally, if the current time minus the most recent registration time is greater than the first threshold time value then only the new registration cell and its neighbor are paged (Hanson, Figure 5).

Therefore, Hanson is concerned with determining an area that should be paged. According to Hanson, if a paging is unsuccessful, then paging over a larger area is carried out. Consequently, the different thresholds of Hanson are used simply to define the size of an area over which a page is to be sent. Hanson fails to disclose or suggest that the last known location is provided as the current location if the time is within the threshold time limit. Kallin fails to cure these deficiencies in Hanson. As such, the combination of Hanson and Kallin fails to disclose or suggest all of the elements of the present claims.

Claims 30-40, 43-52, and 54-56 are dependent upon claims 29, 42, and 53, respectively, and recite additional limitations. Consequently, claims 30-40, 43-52, and 54-56 should be allowed for at least their dependence upon claims 29, 42, and 53, and for the specific limitations recited therein. Accordingly, it is respectfully requested that the rejections be reversed and these claims allowed.

In view of the above, Appellants respectfully submit that the final Office Action failed to establish a prima facie case for obviousness, as the combination of Hanson and Kallin fails to disclose or suggest all of the limitations of the present claims as discussed above. Appellants submit that the final rejections were therefore in clear error and should be reversed.

For all of the above noted reasons, it is strongly contended that certain clear differences exist between the present invention as claimed in claims 29-67 and the prior art relied upon by the Examiner. It is further contended that these differences are more than sufficient that the present invention would not have been obvious to a person having ordinary skill in the art at the time the invention was made.

This final rejection being in error, therefore, it is respectfully requested that this honorable Board of Patent Appeals and Interferences reverse the Examiner's decision in this case and indicate the allowability of application claims 29-67.

In the event that this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees which may be due with respect to this paper may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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